UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

In re: JOHN PAUL ERWIN, DEBORAH MARIE ERWIN, *Debtors*.	Case No. 13-50154-SCS Chapter 13

ORDER DISMISSING MOTION FOR SANCTIONS SUBJECT TO CONDITIONS

This matter came on for an evidentiary hearing on October 11, 2017, on the Motion for Sanctions (the "Motion") filed by the Chapter 13 Trustee, Michael P. Cotter, against Rebecca C. Lawrence, Esquire. Mr. Cotter, Thomas B. Dickenson, counsel for Ms. Lawrence, Ms. Lawrence, and Kenneth N. Whitehurst, III, the Assistant United States Trustee appeared at the hearing.[1] Mr. Cotter filed the Motion on July 24, 2017, because Ms. Lawrence filed a Modified Plan on June 12, 2017, on behalf of John Paul Erwin and Deborah Marie Erwin (the "Debtors"), without obtaining the original wet signatures of the Debtors. A preliminary hearing was held on August 11, 2017, and the Court ordered Ms. Lawrence to file a written answer to the Motion on or before 21 days from the date of the hearing. On September 1, 2017, Mr. Dickenson filed a Response to the Motion on Ms. Lawrence's behalf. Ms. Lawrence did not contest that the Modified Plan was filed without obtaining the signatures of the Debtors but requested that the Court weigh mitigating factors in the case.

Upon consideration of the Motion, the Response filed by Ms. Lawrence, by counsel, the representations made by Ms. Lawrence and her counsel at the hearing, and for the reasons stated on the record from the bench, the Court concludes that Ms. Lawrence should be barred from filing any new bankruptcy petitions under any chapter of the United States Bankruptcy Code with this Court for a period of six (6) months from the date of the hearing. The Court further concludes that a monetary sanction

[1]The Debtors filed a letter regarding the matter but did not appear at the October 11, 2017 hearing.

should be imposed against Ms. Lawrence in the amount of $1,000.00 payable to the Legal Aid Society of Eastern Virginia within thirty (30) days of the hearing. The Court additionally concludes that Ms. Lawrence should retake Case Management/Electronic Case Filing System training and file a certification that such training has been taken within thirty (30) days of the hearing. The Court further concludes that Ms. Lawrence should take an additional six (6) hours of Continuing Legal Education courses in Ethics and an additional six (6) hours of Continuing Legal Education courses in Bankruptcy Law, which courses should be taken within thirty (30) days of the hearing and which will be in addition to the mandatory Continuing Legal Education requirements of the Virginia State Bar. Finally, the Court concludes that Ms. Lawrence should file, within thirty (30) days of the hearing, a status report of all open bankruptcy cases pending in this Court and that the Chapter 13 Trustee should review such status report and advise the Court of any concerns.

Accordingly, the Court ORDERS that the Motion for Sanctions is DISMISSED, subject to the following conditions: (a) Ms. Lawrence shall not file, in her name as counsel for the debtor, any new bankruptcy petitions under any chapter of the United States Bankruptcy Code with the United States Bankruptcy Court for the Eastern District of Virginia for a six (6) month period ending Wednesday, April 11, 2018; (b) Ms. Lawrence shall make a $1,000.00 donation, by Friday, November 10, 2017, to the Legal Aid Society of Eastern Virginia; (c) Ms. Lawrence shall take Case Management/Electronic Case Filing System training and file with the Court a certification of completion of the training by Friday, November 10, 2017; (d) Ms. Lawrence shall, in addition to the mandatory hours of Continuing Legal Education required by the Virginia State Bar, complete six (6) hours of Continuing Legal Education as certified by the Virginia State Bar in the area of ethics and six (6) hours of Continuing Legal Education as certified by the Virginia State Bar in the area of bankruptcy law by Wednesday, April 11, 2018; (e) Ms. Lawrence shall file a status report of all bankruptcy cases currently pending in the United States Bankruptcy Court for the

Eastern District of Virginia by Friday, November 10, 2017, and the Chapter 13 Trustee shall review such status report and advise the Court of any concerns. Regarding each condition, Ms. Lawrence shall file proof of compliance within fourteen (14) days of compliance with each condition. The failure of Ms. Lawrence to comply with any of the aforementioned conditions or to timely file proof of compliance will result in this matter being restored to the Court's docket for further consideration.

The Clerk shall deliver copies of this Order to Rebecca C. Lawrence, Esquire; Thomas B. Dickenson, counsel for Rebecca C. Lawrence, Esquire; the Debtors; counsel for the United States Trustee; and the Chapter 13 Trustee.

IT IS SO ORDERED.

/s/ Stephen C. St.John

Oct 12 2017

STEPHEN C. ST. JOHN
Chief United States Bankruptcy Judge

Entered on Docket: 10/12/2017